

LABOUR DEPARTMENT

The 21st August, 1968

No. 6712-2-Lab-68/21512.—In exercise of powers conferred by clause (a) of sub-section (1) of section 5 of the Minimum Wages Act, 1948 (Central Act XI of 1948), the Governor of Haryana is pleased to make the following amendment under caption "Employees Representatives" in Haryana Government Labour Department Notification No. 12415-2-Lab-67/2385, dated 29th January, 1968, namely :—

For "Shri Kamal Dev Kapil, I. N. T. U. C., M.L.A., Faridabad, N.I.T.", the name of "Shri R. D. Shastri, President, Atlas Mazdoor Union, Sonapat", shall be substituted.

The 6th September, 1968

No. 8359-3Lab-68/22777.—In pursuance of the provisions of section 17 of the Industrial Dispute Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workmen and management of M/s Swatantar Bharat Mills, Panipat :—

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, FARIDABAD.

Reference No. 29 of 1968

between

SHRI MAM CHAND, WORKMAN, AND THE MANAGEMENT OF M/s SWATANTAR BHARAT MILLS, PANIPAT.

Present :

Shri Raghbir Singh, for the claimant.

Shri R. L. Gupta, for the management,

AWARD

Shri Mam Chand was in the service of M/s Swatantar Bharat Mills, Panipat as a spinner at Rs 110/- P. M. His services were terminated on 18th December, 1967 and this gave rise to an Industrial Dispute. The President of India in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Court for adjudication,—vide Government Gazette Notification No. ID/KNL/48-A, dated 13th March, 1968:—

Whether the termination of services of Shri Mam Chand spinner is justified and in order. If not, to what relief is he entitled?

On receipt of the reference usual notices were issued to the parties in response to which the workman filed a statement of claim and the management filed their written statement. On behalf of the management it is pleaded that the applicant was employed on Rs. 100/- P.M. for a specified period from 1st June, 1967 to 31st December, 1967 as per service agreement. It is alleged that the workman met with an accident out side the factory on 24th November, 1967 and he reported for duty only on 11th December, 1967 but he again absented himself from 12th December, 1967 and appeared on 19th December, 1967 stating that he was still not in a position to resume work and submitted an application for two days leave which was sanctioned and there after he did not appear at all. The pleadings of the parties gave rise to the following issues:—

1. Whether the claimant Shri Mam Chand was appointed for a specified period from 1st June, 1967 to 31st December, 1967 and his services automatically come to end on 31st December, 1967?
2. If the above issue is not proved whether the termination of the services of the claimant was justified and in order? If not to what relief is he entitled?

Issue No. 1.—Both the issues are interconnected and it would be convenient to discuss them together. As already pointed out the case of the management is that the claimant Shri Mam Chand was appointed for a specific period from 1st June, 1967 to 31st December, 1967 and his services automatically came to an end on the expiry of the period of his appointment and for this reason the termination of his services on and after 31st December, 1967 is justified. The case of the claimant on the other hand is that he was a permanent worker getting Rs. 110/- P. M. and therefore the termination of his services without any reason or prior notice is not justified.

In order to prove that the claimant was appointed for a specific period, Shri S. S. Suraja, Manager of the respondent concern has appeared as a witness and has proved the letter of appointment Ex. M. 1 which recites in very clear terms that the claimant Shri Mam Chand was appointed as a spinner on 1st June, 1967 and his appointment was for a specific period that is upto 31st December, 1967. The claimant in cross examination was asked whether he had signed the letter of appointment Ex. M.1. Instead of giving a straight forward answer the claimant tried to be evasive and stated that although he could sign in Urdu yet he was not in a position to identify his own signatures and therefore could not say whether the letter of appointment Ex. M. 1 bore his signatures. He also said that he could not say whether the application Ex. M. 2 which he is supposed to have given also bore his signatures or not. There is absolutely no reason to doubt the evidence of Shri Saruja, Manager of the respondent concern that the claimant signed the letter Ex. M. 1 and that two days leave was given to him on the basis of his application Ex. M. 2. Since according to the terms of the letter of appointment Ex. M. 1 the claimant

was appointed for a specific period it would not be correct to hold that he was in permanent service of the respondent and for this reason his services could not be terminated at the sweet will of the employer. Although according to the management the applicant did not report for duty after 19th December, 1967 yet his name continued on the rolls up to 31st December, 1967 and under these circumstances it is not possible to order his reinstatement. According to the terms of his appointment the claimant was only entitled to remain in service up to 31st December, 1967. Shri Saruja has categorically denied the allegation of the claimant that his services were terminated on 19th December, 1967. Shri Saruja says that the claimant applied for two days leave which was sanctioned and there after the claimant did not report for duty. If any wages are still due to the claimant he can take appropriate steps to recover his dues but in these proceedings it is not possible to grant him any relief because it can not be said that the termination of his services was not justified. I give my award accordingly.

Dated 20th August, 1968.

P. N. THUKRAL,

Presiding Officer,

Labour Court, Faridabad.

No. 1525, dated 29th August, 1968.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL,

Presiding Officer,

Labour Court, Faridabad.

Dated 20th August, 1968.

R. I. N. AHOOJA, Secy.

FORESTS AND ANIMAL HUSBANDRY
DEPARTMENT
(FORESTS)
Corrigendum

The 6th September, 1968.

para (a) and the words "and for the aforesaid period" in the first line of sub-para (b) of Haryana Government Agriculture Department (Forests) notification No. 10187-Agr. VII-67/28801, dated the 9th November, 1967, shall be deleted.

No 6168-FTand AH(V)-68/22294(.).—The words "for period of 30 years" occurring in the last line of sub.

ISHWAR CHANDRA,

Secretary to Government, Haryana,
Home (Forests and Animal Husbandry Department.)

The 9th/11th September, 1968

No. 5855-FT-A.H. (I)-68/22754.—In pursuance of the provisions of section 48 of the Land Acquisition Act, 1894, and all other powers enabling him in this behalf, the Governor of Haryana is pleased to withdraw from the acquisition of the land specified below, out of the area acquired in Bhoj Mataur, Had Bast No. 317 in Morni Hills, tehsil Naraingarh, district Ambala, with respect to which a notification under section 4 of the said Act, was issued with Agriculture (Forests) Department notification No. 543-Agr. VII-68/3264 dated the 1st February, 1968, and declaration under section 6 thereof was issued with Forests and Animal Husbandry Departments notification No. 3767-Agr. II(II)-68/15916, dated the 27th June, 1968.

SPECIFICATION

Head Bast No.	Name of Bhoj	Tehsil	District	Area
317	Mataur	Naraingarh	Ambala	50 Acres where the limestone quarries of Shri Munshi Ram Bhasin, Contractor, are located.

ISHWAR CHANDRA,

Commissioner for Home Affairs and

Secretary to Government, Haryana,

Home (Forests) Department.